

United States District Court
Central District of California
Western Division

INTERWORKS UNLIMITED, INC.,

Plaintiff,

v.

DIGITAL GADGETS, LLC.,

Defendants.

CV 17-4983-TJH(KSx)

Order Setting
Final Pre-trial Conference
and
Referring Discovery

It is Ordered that all discovery matters which become at issue are referred to *Magistrate Judge Karen L. Stevenson* for her/his consideration. Please contact the courtroom deputy clerk to the Magistrate Judge regarding these matters.

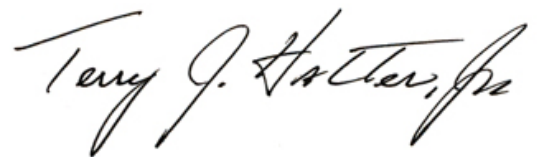
It is Ordered, pursuant to Rule 16 of the Federal Rules of Civil Procedures and Local Rule 16, that the Final Pre-Trial Conference is placed on the Court's calendar for ***January 14, 2019 at 10:00 a.m.*** in Courtroom No. 9B in the U. S. Courthouse on First Street.

1 Unless excused for good cause, each party appearing in this action shall be
2 represented by the attorney who is to have charge of conducting the trial.

3 It is further Ordered that any application or stipulation to continue the Final Pre-
4 Trial Conference shall be lodged with the court no later than one week prior to the
5 Conference date, and shall state the reason for seeking the continuance.

6 The Court does not issue a scheduling order or set a status conference regarding
7 the management of cases. Counsel are to come to an agreement regarding these dates
8 to comply with FRCvP26 and Local Rule 16 in order to prepare for the Final Pre-Trial
9 Conference. If discovery has not been completed by the time of the Final Pre-Trial
10 Conference, the COURT will set dates for discovery cutoff, the filing of any
11 anticipated pre-trial motions and for trial which could be a date four to six months
12 from the day of the Final Pre-Trial Conference.

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14 Date: July 23, 2018

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18 _Terry J. Hatter, Jr.
19 United States District Judge

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21 Note to counsel: Please review the attached
22 "Memorandum"
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MEMORANDUM

TO: COUNSEL OF RECORD

**FROM: Yolanda Skipper, Courtroom Deputy Clerk to the Hon. Judge Hatter
(www.cacd.uscourts.gov)**

RE: Procedural Rules for Judge Hatter's cases

MOTIONS:

All civil motions shall stand submitted, without hearing oral arguments, as of the calendared date of the motion. If Judge Hatter desires to hear oral arguments, the motion will be set by written notification to counsel for a date other than the calendared date of the motion.

Please notice the motion for a Monday, excluding legal holidays, and comply with the Local Rules as to service and filing of the motion. Where you will indicate the time of the hearing, please insert "Taken Under Submission". No one needs to appear unless ordered by the Court.

When a decision has been made, copies of the order and/or judgment will be sent to all counsel of record via the CM/ECF system. PLEASE REFRAIN from calling the court clerk regarding the status of the motion. See Local Rule 83-9.2. expect ruling to come out no later than 120 days from the hearing date.

DEPOSITIONS:

Please do not lodge depositions in conjunction with a motion. If Judge Hatter finds it necessary to review a deposition, counsel will be contacted.

EX PARTE APPLICATIONS:

Please comply with the Local Rules except as to the date and time for a hearing. Judge Hatter will determine whether a hearing is necessary after he has reviewed the application. If there is to be a hearing, counsel will be contacted as to date and time.

When opposing counsel has been notified of an ex-parte application and would like to submit a written objection, please contact the court clerk immediately and counsel will be given, at least, a day to file it.

TELEPHONIC INQUIRIES regarding the status of a stipulation may not be returned.

DISCOVERY MATTERS/MOTIONS:

All discovery matters which become at issue are referred to the Magistrate Judge assigned to the case for his or her determination. The initials in parentheses in the case number indicates the name for the magistrate judge. Please contact the court clerk for the magistrate judge regarding these matters.

SCHEDULING CONFERENCE / PRE-TRIAL CONFERENCE:

Judge Hatter does NOT set a scheduling conference. When the matter becomes at issue or the majority of the pleadings have been filed, the Final Pre-trial Conference will be set. The Joint Proposed Pretrial Conference Order is to be lodged with the Court no later than **SEVEN** days prior to the Final Pre-trial Conference hearing. Failure to comply with the Court's Order may result in the imposition of **sanctions**.

SETTLEMENT :

Please comply with Local Rule 16-15.7 and be prepared to file a Notice of Settlement with an estimated time in which you will file the proper Stipulation and Order of dismissal.

NAMES OF REPORTERS:

The name of the reporter for a hearing may be obtained from the Minutes of the hearing. It can also be obtained from the CM/ECF or PACER on the Central District of California's website (www.cacd.uscourts.gov). Court reporters contact information are also available on the Court's website.

COURTESY COPIES:

Mandatory courtesy copies of ALL electronic filed documents will be delivered, with the notice of electronic filing attached, to the Customer Service Window, 4th Floor at 350 W. 1st Street, Attention: Yolanda Skipper for Judge Hatter. Additionally, for any filings requiring a proposed order, an electronic word processing version must be emailed to Judge Hatter's chambers email inbox at tjh_chambers@cacd.uscourts.gov. The subject line should appropriately indicate that nature of the document (example: CV 00-1234-TJH-PROPOSED ORDER- STIP TO CONTINUE).

TRIALS:**Exhibits and Witness Lists:**

On the first day of trial, arrive at courtroom no later than 9:45 a.m. and please bring with you the following:

1. All exhibits, already marked (witness copy); Exhibit Tags may be obtained from the Civil Intake Division of the Clerk's Office, Affix them to the lower right-hand corner of the exhibit.
2. Bench copy of all tagged exhibits. Place them in a binder with tabs corresponding to the exhibit numbers; If a blowup is an enlargement of an existing exhibit, it shall be designated with the number of the original exhibit followed by an appropriate alphabetical design.
3. Copies of depositions that are to be used for any purpose (original or a copy for the witness and a copy for the judge;
4. Three clean copies of your witness list for Court use (no headers of filing marks);
5. Three clean copies of your exhibit list (to include columns identifying the exhibit number, description of the exhibit, date identified and date admitted/received) for Court use;

1 Counsel should email word processing versions of the witness, exhibit lists and proposed verdict
2 form to the courtroom deputy clerk no later than a day before the trial at
3 **tjh_chambers@cacd.uscourts.gov** and appropriately indicated the nature of the document in the
4 subject line (example: CV 00-1234-TJH- Defendant's Exhibit List).

5 **DEPOSITIONS:**

6 If they are to be used during a trial, LODGE them 7 days prior to the trial. If a deposition is to be
7 used in lieu of live testimony, please indicate the designated portions by any means other than
8 color-coded. Judge Hatter is "color ignorant". You may designate the portions by listing them on a
9 separate sheet.

10 All proposed Voir Dire questions should be filed 5 days prior to the trial.

11 **JURY INSTRUCTIONS - PLEASE** comply with the ORDER regarding instructions issued after a
12 trial date has been set (usually at the Final Pretrial Conference).

13 **TRIAL HOURS:** Tuesdays through Fridays
14 Begin at 9:00 a.m. (except for the 1st day - at 10:00 a.m.)
15 Lunch recess is normally 12:00 noon to 1:30 p.m.
16 Adjourn between 5:00 p.m. and 6:00 p.m.
17 There will be a mid-morning and mid-afternoon recess.

18 Do not approach the clerk or witness box without specific permission. Please return to the lectern
19 when the purpose of the approach is finished. Please RISE when addressing the Court. Counsel
20 shall not, by facial expression, nodding, or other conduct, exhibit any opinions, adverse or
21 favorable, concerning any testimony which is being given by a witness. Counsel shall admonish
22 their own clients and witnesses similarly to avoid such conduct.

23 **IMPANELING OF JURY / CONDUCT OF COUNSEL:**

24 On the first day of trial, Judge Hatter will instruct counsel as to voir dire procedures, expected
25 conduct of counsel during trial, and other relevant matters. Always **stand** and approach the lectern
26 when addressing the Court.